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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,481	06/02/2001	Bjom Johansson	ALB0001-US	9482

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TRACY W. DRUCE, ESQ.
1496 EVANS FARM DR
MCLEAN, VA 22101

EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/872,481

Applicant(s)
Johannson

Examiner
Michael E. Butler

Art Unit
3653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 5 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 3, 4, and 6 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Priority

2. Applicant's claim(s) of Continuation priority to WIPO application PCT/SE99/02239 filed 12/1/99 and Swedish application 9804186-6 filed 12/3/98 are acknowledged.

Because applicant elected to enter US prosecution as a CIP of an international application rather than as a national stage application and 35 U.S.C. 371, the International Bureau does not take on the handling of the certified Swedish application on behalf of the USPTO. As such the applicant needs supply the USPTO a certified copy of the Swedish application to receive benefit of the Swedish priority link under the Paris Union.

Specification

3. Applicant apparent presumed new experimental rule 1.125 has identical amendment requirements to specifications as to amended claims. A clean copy of the specification is still required. The substituted specification has not been entered.

As the drawings containing new figures and numerals are compliant are compliant but the specification was not, the specification is objected to for not disclosing the number elements of figs. 11-16.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, as this case includes

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substantially algorithmic claim elements, a flowchart is needed comprising the claim elements. Applicant has relied too heavily on cross referencing steps to obtain a meaningful understanding from the drawings. Applicant should include the tasks and tests associated with the claimed method elements. Fig's 11 and 12 partially present elements to the side which may suffice when space limitations preclude or make difficult entry of text associated with tasks/tests in the polygons.

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. New drawings will be required contingent upon allowance acceptable to drafting.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Gillman which discloses:

(re: cl 2) a method for sorting and stacking objects having at least three storage stacks (a-j fig 1)

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numerically identifying and marking each object (DSN, (col. 5 L 14-16)

sorting and stacking the objects having the lowest numbers onto the first available stack, the objects having the next highest numbers beyond first stack's capacity placed onto the next successive stack (c5 L 16-32)

and sequentially stacking the objects low number to high number on each stack (c5 L 1-15; fig 2)

sorting and stacking the objects having the next lowest numbers on the successive stack onto a lower earlier available stack and sequentially stacking the objects low number to high number on the second stack (c4 L 10-22, the second sorting pass moves objects on the second or higher stacks toward available space on the first stack);

Allowable Subject Matter

8. Claims 1 and 5 are allowed.
9. Claims 3-4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Of particular significance in defining over the prior art is applicant's restacking of objects using sequence numbers when an object's number on a second stack is out of sequence with numbers in an adjacent stack.

Of particular significance is Gilman which resorts stacks of objects by passing the objects through the sorting process by re-sequencing objects by iteratively sorting the entire collection of objects by sorting contingent on a successive less significant/more significant digit. Gilman does not compare sequence numbers of adjacent stacks for a restacking determination.

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Response to Arguments

11. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections.

Applicant attempts to distinguish his invention from Gillman by pointing that Gilman does not move the unmarked storage objects to the top of the first stack. However, as applicant has marked all unmarked storage objects in claim 2, no unmarked storage objects remain to be moved to the top of the first stack of this never performed step.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler

Examiner


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600